

85th Legislative Session – 2010

Committee: Senate Agriculture and Natural Resources

Tuesday, March 02, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Garnos
P Hansen (Tom)
P Kloucek
P Maher
P Peterson
P Vehle
P Howie, Vice-Chair
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 25, 2010

Moved by: Howie
Second by: Hansen (Tom)
Action: Prevailed by voice vote.

CONSIDERATION OF THE REAPPOINTMENT OF SUSAN KNIPPLING TO THE GAME, FISH AND PARKS COMMISSION.

Presented By: Neil Fulton, Office of the Governor

Addressed the Committee: Susan Knippling, Gann Valley

MOTION: CONFIRM REAPPOINTMENT OF SUSAN KNIPPLING OF BUFFALO COUNTY, GANN VALLEY, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION.

Moved by: Garnos
Second by: Howie
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Kloucek, Maher, Peterson, Vehle, Howie, Rhoden

CONSIDERATION OF THE APPOINTMENT OF JOHN L. COOPER TO THE GAME, FISH AND PARKS COMMISSION.

Presented By: Neil Fulton, Office of the Governor

Proponents: Nettie Myers, Self, Pierre
Chris Helsa, SD Wildlife Federation
Mitch Richter, Self, Sioux Falls
Angela Ehlers, Self, Pierre

Opponents: Don Kelly, Self, Quinn
Norman Geigle, Self, Wall
Michael Held, SD Farm Bureau
Larry Eisenbraun, Self, Wall
Todd Trask, Self, Wasta
Representative Betty Olson (Handout: 1)
Representative Lance Russell

Addressed the Committee: John Cooper, Pierre

MOTION: NOT ADVISE AND CONSENT THE APPOINTMENT OF JOHN L. COOPER OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION

Moved by: Howie
Second by: Maher
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION CONFIRM APPOINTMENT OF JOHN L. COOPER OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION

Moved by: Garnos
Second by: Vehle
Action: Failed by roll call vote. (2-7-0-0)

Voting Yes: Garnos, Vehle

Voting No: Bradford, Hansen (Tom), Kloucek, Maher, Peterson, Howie, Rhoden

THE MOTION TO NOT ADVISE AND CONSENT THE APPOINTMENT OF JOHN L. COOPER OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION

Moved by: Howie

Second by: Maher

Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Bradford, Hansen (Tom), Kloucek, Maher, Peterson, Howie, Rhoden

Voting No: Garnos, Vehle

HB 1057: revise and update certain provisions relating to dairy production and inspection.

Presented by: Nathan Sanderson, Department of Agriculture

Proponents: John Kerstiens, SD Farmers Union

Questions by Committee: Blair Dunn, SD Department of Agriculture

MOTION: AMEND HB 1057

1057td

On page 1, line 6, of the House Agriculture and Natural Resources Committee engrossed bill, overstrike "occasionally".

Moved by: Hansen (Tom)

Second by: Garnos

Action: Prevailed by voice vote.

MOTION: DEFER HB 1057 TO THE 41ST LEGISLATIVE DAY

Moved by: Howie

Second by: Maher

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1057 AS AMENDED

Moved by: Hansen (Tom)

Second by: Garnos

Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Peterson, Vehle, Rhoden

Voting No: Kloucek, Maher, Howie

CONTINUED FROM THURSDAY, FEBRUARY 25, 2010 MEETING.

HB 1264: provide for the issuance of free antlerless deer licenses to certain landowners and lessees.

Presented by: Senator Mike Vehle

MOTION: AMEND HB 1264

1264te

On page 1, line 7, of the House Agriculture and Natural Resources Committee engrossed bill, delete everything after "any" and insert "farmer or rancher who is a resident of South Dakota and who owns and operates or leases and operates, for agricultural purposes, at least one hundred sixty acres of land".

On page 1, delete lines 8 to 10, inclusive, and insert "may apply for and receive two antlerless deer licenses".

On page 1, line 14, delete "resident".

On page 2, line 1, after "." insert "Not more than two such licenses may be issued for use on any single farm or ranch."

On page 2, line 4, delete "privately-owned".

On page 2, line 4, delete "resident".

Moved by: Vehle

Second by: Peterson
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1264 AS AMENDED

Moved by: Vehle
Second by: Maher
Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Bradford, Garnos, Kloucek, Maher, Peterson, Vehle, Rhoden

Voting No: Hansen (Tom)

Excused: Howie

MOTION: ADJOURN

Moved by: Vehle
Second by: Garnos
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Larry Rhoden, Chair

Committee Agenda

Committee: Senate Commerce
Room: 423
Date: Tuesday, March 2, 2010
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1155*](#) **require the marking of certain anemometer towers used for wind energy testing purposes.**

Representatives Frerichs, Brunner, Fargen, Kirkeby, Kirschman, Peters, and Van Gerpen and Senators Novstrup (Al), Fryslie, Gant, Hanson (Gary), Kloucek, Maher, and Peterson

[HB 1222*](#) **exempt persons selling certain foods at farmers' markets from licensure requirements and to establish other requirements for the sale of those foods.**

Representatives Sly, Hunhoff (Bernie), Iron Cloud III, Pitts, and Rave and Senators Merchant, Dempster, Gant, Jerstad, Miles, and Schmidt

[HB 1226*](#) **set certain age requirements for persons who sell malt beverages and South Dakota made wine at certain alcoholic beverage off-sale licensees.**

Representatives Nygaard, Fargen, Kirkeby, and Turbiville and Senator Miles

[HB 1241](#) **establish an additional time period during which fireworks may be sold and discharged.**

Representatives Lederman, Blake, Bolin, Brunner, Conzet, Fargen, Feinstein, Greenfield, Jensen, Kirkeby, Kirschman, Novstrup (David), Nygaard, Pitts, Rounds, Solberg, and Solum and Senators Gant, Fryslie, Merchant, Nelson, Nesselhuf, and Turbak Berry

[HB 1249*](#) **provide for the disposition of certain property sold at auction but not claimed.**

Representatives Greenfield, Blake, Feickert, Lust, Novstrup (David), Nygaard, Rounds, Schlekeway, and Vanneman and Senators Gillespie, Fryslie, Maher, and Olson (Russell)

[HB 1254*](#) **revise the requirements for the assignment of certain funeral benefits.**

Representatives Hoffman, Bolin, Greenfield, Hamiel, Kirkeby, Kopp, Krebs, Moser, Romkema, and Turbiville and Senators Gant, Brown, and Hundstad

[HB 1257](#) **remove certain provisions relating to countersignatures for insurance producers.**

Representatives Cutler, Fargen, and Rave and Senators Rhoden, Dempster, Fryslie, and Gillespie

RUSSELL OLSON, Chair

Committee Agenda

Committee: Senate Education
Room: 423
Date: Tuesday, March 2, 2010
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[HB 1150*](#) **revise the calculation of the small school adjustment in the state aid to education formula for certain students who participate in open enrollment.**

Representatives Peters, Blake, Bolin, Brunner, Curd, Cutler, Engels, Faehn, Gibson, Gosch, Hunt, Jensen, Kirkeby, Krebs, Lange, Lederman, Lust, McLaughlin, Moser, Noem, Novstrup (David), Olson (Ryan), Rounds, Sly, Solberg, Solum, Sorenson, Steele, Thompson, Tidemann, and Turbiville and Senators Gray, Abdallah, Dempster, Gant, Hansen (Tom), Haverly, Jerstad, Merchant, Miles, Novstrup (Al), Schmidt, Tieszen, and Turbak Berry

[HB 1181](#) **eliminate the consolidation incentives for any school districts that consolidate after July 1, 2010.**

Representatives McLaughlin, Brunner, Kirkeby, Peters, Romkema, Schlekeway, Sly, Turbiville, and Wink and Senators Tieszen, Abdallah, Bradford, Dempster, and Nelson

[HB 1224*](#) **revise the payment schedule for the South Dakota opportunity scholarship program.**

Representatives Sly, Gosch, and McLaughlin and Senator Maher

[HB 1248](#) **revise the definition of fall enrollment in the state aid to education formula and to eliminate the one-time payments for school districts with increasing enrollments.**

Representatives Hunt, Bolin, Curd, Hamiel, Krebs, Lucas, Romkema, Schlekeway, Steele, and Van Gerpen and Senators Abdallah and Gant

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

COOPER GARNOS, Chair

85th Legislative Session – 2010

Committee: Senate Judiciary

Tuesday, March 02, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Gillespie
P Heidepriem
P Schmidt
P Turbak Berry
P Vehle
P Tieszen, Vice-Chair
P Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gene G. Abdallah, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 25, 2010

Moved by: Gillespie
Second by: Tieszen
Action: Prevailed by voice vote.

HB 1105: permit the record of a person's arrest to be expunged.

Presented by: Senator Thomas Nelson
Proponents: Roger Tellinghuisen, SD Trial Lawyers Association
Opponents: Chuck Schroyer, SD States Attorneys Association

MOTION: AMEND HB 1105

1105rc

On page 2, line 9, of the House Judiciary Committee engrossed bill, delete "shall" and insert "may".

Moved by: Gillespie
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1105 AS AMENDED

Moved by: Heidepriem
Second by: Turbak Berry
Action: Was not acted on.

HB 1244: increase the penalty for solicitation of a minor.

Presented by: Representative Joni Cutler
Proponents: Aaron McGowan, Minnehaha Co. States Attorney
Susan Randall, SD Voices For Children

MOTION: DO PASS HB 1244

Moved by: Turbak Berry
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

The gavel was passed to Senator Craig Tieszen, Vice-Chair

HB 1131: revise certain provisions concerning intoxicated or incapacitated persons who may be taken into protective custody.

Presented by: Representative Joni Cutler
Proponents: Stacy Kooistra, self, Sioux Falls
Kenneth McFarland, Jr., Minnehaha County
Deb Fischer Clemens, Avera Health
Terrance Dosch, SD Council of Mental Health Centers/
SD Council of Substance Abuse Directors
Phyllis Arends, NAMI SD
Staci Eggert, SD Sheriff's Association
Betty Oldenkamp, Lutheran Social Services
Gordy Swanson, Minnehaha County

MOTION: DO PASS HB 1131

Moved by: Abdallah
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

HB 1132: provide for the referral and placement of certain individuals in need of intervention.

Presented by: Representative Joni Cutler
Proponents: Stacy Kooistra, self, Sioux Falls
Kenneth McFarland, Jr., Minnehaha County
Deb Fischer Clemens, Avera Health
Terrance Dosch, SD Council of Mental Health Centers/
SD Council of Substance Abuse Directors
Phyllis Arends, NAMI SD
Staci Eggert, SD Sheriff's Association
Betty Oldenkamp, Lutheran Social Services
Gordy Swanson, Minnehaha County

MOTION: DO PASS HB 1132

Moved by: Heidepriem
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

The gavel was returned to Senator Gene G. Abdallah, Chair

HB 1105: permit the record of a person's arrest to be expunged.

THE MOTION TO DO PASS HB 1105 AS AMENDED

Moved by: Heidepriem
Second by: Turbak Berry
Action: PREVAILED BY ROLL CALL VOTE. (6-1-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Tieszen, Abdallah

Voting No: Vehle

HB 1109: revise certain provisions of the Uniform Limited Liability Company Act and to provide for certain filing fees relevant thereto.

Presented by: Senator Dave Knudson

Proponents: Representative David Lust
Tom Barnett, State Bar Association of South Dakota

MOTION: AMEND HB 1109

1109jc

On page 13, after line 20 of the House Judiciary Committee engrossed bill, insert:

"

Section 16. That § 47-1A-728 be amended to read as follows:

47-1A-728. ~~Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present.~~ Shareholders may cumulate their votes for directors. The right to cumulate votes for directors means that the shareholders are entitled to multiply the number of votes that they are entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two or more candidates.".

Moved by: Gillespie

Second by: Tieszen

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1109 AS AMENDED

Moved by: Gillespie

Second by: Turbak Berry

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: AMEND TITLE OF HB 1109

1109jta

On page 1, line 1, of the House Judiciary Committee engrossed bill, delete "of the Uniform Limited" and insert "related to business organizations".

On page 1, line 2, delete "Liability Company Act".

Moved by: Gillespie
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: PLACE HB 1109 ON CONSENT CALENDAR

Moved by: Heidepriem
Second by: Gillespie
Action: Prevailed by voice vote.

HB 1201: provide that certain tax laws applicable on December 31, 2009, apply to certain wills and trusts that refer to federal estate and generation-skipping transfer tax laws, and to declare an emergency.

Presented by: Representative David Lust
Proponents: Larry Mann, SD CPA Society

MOTION: DO PASS HB 1201

Moved by: Turbak Berry
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

HB 1231: provide for the monitoring of the prescribing and dispensing of controlled substances.

Presented by: Senator Kathy Miles
Proponents: Nancy Kueter, Rapid City
Dave Hewett, SD Association of Healthcare Organizations
Wade Juracek, self, Gregory
Bob Riter Jr., SD Pharmacists Association
Ronald Huether, self, Sioux Falls
Dean Krogman, SD State Medical Association

Brittany Novotny, SD Nurses Association
Terrance Dosch, SD Council of Substance Abuse Directors
Charlie McGuigan, Office of the Attorney General (Handouts: #1)
Representative David Lust

MOTION: AMEND HB 1231

1231jf

On page 7, between lines 23 and 24 of the House engrossed bill, insert:

"

- (8) One member of the South Dakota State Medical Association;
- (9) One member of the South Dakota Nurses Association;
- (10) One member of the South Dakota Pharmacists Association;"

On page 7, line 24, delete "(8)" and insert "(11)".

On page 8, line 1, delete "(9)" and insert "(12)".

On page 8, line 2, delete "(10)" and insert "(13)".

Moved by: Tieszen
Second by: Turbak Berry
Action: Prevailed by voice vote.

MOTION: AMEND HB 1231

1231jg

On page 3, line 3, of the House engrossed bill, delete everything after "include" and insert "specifically identified data elements adopted by the board and contained in the 2005 version of the electronic".

Moved by: Gillespie
Second by: Heidepriem
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1231 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1187 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1177 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1164 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1110 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1228 UNTIL THURSDAY, MARCH 4, 2010

THE CHAIR DEFERRED HB 1167 UNTIL THURSDAY, MARCH 4, 2010

HB 1136: limit asbestos-related liabilities for certain successor corporations.

Presented by: Dick Gregerson, Crown, Cork & Seal

Proponents: Michael Rowley, Crown, Cork & Seal

THE CHAIR DEFERRED HB 1136 UNTIL THURSDAY, MARCH 4, 2010

MOTION: ADJOURN

Moved by: Gillespie

Second by: Tieszen

Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Gene G. Abdallah, Chair